

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

SANFORD M. KIRSHENBAUM,	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 09-495ML
	)	
THE SECRETARY OF VETERANS	)	
AFFAIRS, ET AL.	)	
Defendants.	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION GRANTING DEFENDANT  
SECRETARY OF VETERANS AFFAIRS' MOTION TO DISMISS AND REMANDING  
REMAINDER OF CASE TO RHODE ISLAND SUPERIOR COURT**

The Report and Recommendation ("R & R") of United States Magistrate Judge Lincoln D. Almond issued on December 17, 2009, is adopted in its entirety. For the reasons stated in the R & R, this Court confirms Defendant Secretary of Veterans Affairs' disclaimer of interest as to the subject property, 48 Grand Street, Providence, Rhode Island, 02907. Accordingly, Defendant Secretary of Veterans Affairs' Motion to Dimiss for Lack of Jurisdiction is hereby GRANTED, and Defendants Secretary of Veterans Affairs and Department of Veterans Affairs are DISMISSED WITH PREJUDICE. As this Court finds no just reason for delay, the Clerk shall enter final judgment in favor of Defendants Secretary of Veterans Affairs and Department of Veterans Affairs.

As this case remains in its early stages and has not been the subject of any proceedings in this Court on the merits of Plaintiff's underlying state law claims and in the absence of federal court jurisdiction, the remainder of the case against Defendant Chase Mortgage Company is REMANDED to the State of Rhode Island Providence County Superior Court purusant to 28 U.S.C. § 1447.

SO ORDERED this 4<sup>th</sup> day of January, 2010.

Mary M. Lisi  
MARY M. LISI  
CHIEF JUDGE, UNITED STATES DISTRICT COURT